

**STATE OF RHODE ISLAND  
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

**PUBLIC NOTICE OF PROPOSED RULE-MAKING**

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following DCYF rule:

**COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT**

This rule, formerly entitled Education: Section 504 of the Rehabilitation Act, is being amended in compliance with the federal court order relating to RI Training School residents, the accreditation standards of the American Correctional Association (ACA) for Juvenile Training Schools and Juvenile Detention Facilities, the accreditation standards of the Correctional Education Association and the opening of new facilities. The rule is amended to provide comprehensive direction to educational staff on planning and instructional procedures related to Section 504 of the federal Rehabilitation Act. The previous version of this policy, refiled 1/5/07, is superseded by this amended version.

In the amendment of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This amended rule is accessible on the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401-528-3685). Interested persons should submit data, views or written comments by July 26, 2010 to Susan Bowler, Administrator for Families and Children, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 ([Susan.Bowler@dcyf.ri.gov](mailto:Susan.Bowler@dcyf.ri.gov)).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

# **Education: Compliance with Section 504 of the Rehabilitation Act**

Rhode Island Department of Children, Youth and Families  
Division of Juvenile Correctional Services: Training School

**Policy: 1200.1726**

**Effective Date: June 14, 2004** Revised Date: **Version: 12**

The Education Program complies with the policies and procedures of Section 504 of the Rehabilitation Act - Nondiscrimination under Federal Grants and Programs. ~~This entitlement exists for all eligible youth, including those involved in the juvenile justice system.~~ Section 504 ~~protects~~includes school-age ~~children residents~~ who have a physical or mental impairment that substantially limits a major life activity ~~and requires reasonable accommodations be made to assist them in educational programming.~~ Section 504 is a broad civil rights law which protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.

## **Related Procedure**

**Education: Compliance with Section 504 of the Rehabilitation Act**

## **Related Policy**

**Education: Special Education Services**  
**Education Program: Structure and Operations**

## **Education: ~~Compliance with Section 504 of the Rehabilitation Act~~**

### **Procedure from Policy 1200.1726: Compliance with Section 504 of the Rehabilitation Act**

- A. The Education Program identifies all ~~students as disabled who meet the definition of~~ residents who qualify for Section 504: ~~Disabled students include those who have an impairment that substantially limits a major life activity~~ protections due to an impairment that substantially limits a major life activity.
1. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, self care and performing tasks.
  2. The condition need only substantially limit one major life activity in order for the resident to qualify.
  3. ~~Consistent with Section 504, The Principal ensures that~~ the Education Program has a ~~coordinator,~~ grievance process, procedural safeguards and impartial hearing requirements to implement Section 504.
- B. Eligible residents perform essential school functions ~~of school~~ with reasonable accommodations which are described in a 504 Plan.
1. Reasonable accommodations include making facilities accessible or usable as well as modifying equipment or devices.
  2. A group of individuals who are knowledgeable about the ~~student/resident~~, evaluation data and accommodation options convenes and develops a written plan of services that is reviewed annually.
  3. Parents and/or Legal Guardians are ~~notified and invited to have an opportunity to~~ participate in ~~any Section~~ 504 planning meetings and decisions ~~makings.~~ ~~They~~
  4. Parents and/or Legal Guardians may be represented by legal counsel.
- C. Paragraphs A and B are consistent with Correctional Education Association Standards 43, 45, 49 - 51, and 60, as well as, American Correctional Association Standards 3-JTS-5D-02; 3-JTS-5D-03; 3-JTS-5D-04; 3-JTS-5D-06; 3-JTS-5D- 07; and 3-JTS-5D-08.